

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21550 of 2007(M)

PETITIONER:

SHOMA MOHANDAS, AGED 30 YEARS,
W/O.K.K.VILASAN, HIGH SCHOOL ASSISTANT
(ENGLISH), S.N.TRUST'S HIGHER SECONDARY SCHOOL
THOTTADA, P.O.THOTTADA, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.
2. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR P.O., KANNUR-2.
3. THE DISTRICT EDUCATIONAL OFFICER,
KANNUR.P.O., KANNUR-2.
4. THE HEADMASTER, S.N.TRUST'S HIGHER
SECONDARY SCHOOL THOTTADA P.O.THOTTADA,
KANNUR DISTRICT.
5. THE MANAGER,
S.N.TRUSTS SCHOOLS, KOLLAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 21550 OF 2007

Dated this the 13th day of July, 2007

J U D G M E N T

According to the petitioner, she was appointed as High School Assistant (English) in S.N. Trust Higher Secondary School, Thottada, Kannur District with effect from July 27, 2006 in a transfer vacancy. But approval of the said appointment was declined by the District Educational Officer relying on certain orders of the Government which stipulate that any vacancy in a newly opened school has to be filled up by appointing a protected teacher.

2. I do not propose to deal with the issue at this stage in view of the limited prayer made by learned counsel for the petitioner at the Bar. It is brought to my notice that the manager has challenged the order passed by the District Educational Officer before the Deputy Director of Education in Ext.P4 appeal. Petitioner also has challenged the order of the District Educational Officer before the Government, as revealed from Ext.P5. She has also prayed for an opportunity to be heard by the Deputy Director of Education when Ext.P4 is taken up for consideration. Since the petitioner is vitally

interested in the matter, I am satisfied that the above prayer can be granted.

Therefore, the writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P4, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Respondent No.2 shall ensure that petitioner apart from the management shall also be afforded sufficient opportunity to be heard before any decision is taken. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance. Petitioner shall also send copies of the above documents to the manager for information.

A.K. BASHEER, JUDGE

vps

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OP NO.20954/00

JUDGMENT

1ST MARCH, 2007